



Kingsburg Planning Commission

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DR. PAUL KRUPER

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JASON POYNER

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DR. JASON ROUNTREE
JEREMY KINNEY
TROY COZBEY
MATTHEW BULLIS

Planning & Development Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA
KINGSBURG PLANNING COMMISSION
JULY 13, 2017
600 P.M.
KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET

1. Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.

NEXT RESOLUTION 2017-13

2. **APPROVAL** of the May 11, 2017 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **ACCEPT RESIGNATION FROM ROBERT JOHNSON FROM THE PLANNING COMMISSION.**
5. **PUBLIC HEARING – FOR CONSIDERATION OF PUD-2016 - 04 AND PRE-ZONE 2017- 01 FOR A 39 LOT SUBDIVISION LOCATED ON THE NORTH SIDE OF KAMM AVENUE BETWEEN SOUTH ACADEMY AND MENDOCINO AVENUES ON THE NORTH END OF KINGSBURG, CONTAINING APPROXIMATELY 13 ACRES; THE SUBJECT TERRITORY HAS THE FOLLOWING APNS: 393-270-03, 13, 14 AND 15 APPLICANT PIARA GHUMAN (AKS ENTERPRISES)**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 1. Decisions regarding Environmental Document
 2. Adopt/Deny/Modify Resolution
6. **FUTURE ITEMS**
7. **ADJOURN**

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
MAY 11, 2017**

Call to order – At 6:05PM the Kingsburg Planning Commission meeting was called to order.

Commissioners Present – Kinney, Rountree, Poynor and Kruper

Commissioners Absent – Cozbey, Bullis and Johnson.

Staff Present – City Manager Alex Henderson, City Attorney Mike Noland, Building Official Mike Koch, Planning Director Greg Collins, City Engineer Dave Peters and Planning Secretary Mary Colby.

Others Present – Theresa Lipschitz, Kathy Quait, Nancy Thompson, Todd Thompson, Mike & Vera Law, Bruce Blayney, Pamela Zarata, Fred Guerra and Melvin Enns.

APPROVAL- Commissioner Kinney made a motion, seconded by Commissioner Poynor to approve the minutes of the April 13, 2017 meeting as mailed. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS –

Gary Nelson, Mendocino and Kamm asked to change the order of the agenda to discuss the Crinklaw project first and the Nelson Project second.

Upon the recommendation of City Attorney Mike Noland no action was taken to change the agenda.

CONTINUED PUBLIC HEARING – CONSIDERATION OF:

(I) NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);

(II) PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);

(III) NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);

(IV) PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);

At 6:15PM the Continued Public Hearing was opened.

Planning Director Greg Collins stated that this is a continued public hearing and the power point presentation will be shown again very quickly. The annexation and pre-zone were addressed at the last meeting.

Commission Discussion –

- There is no access from Kamm, which could add stress to the adjacent neighborhood.
- City Engineer stated that there are adequate access points for this map.

At 6:38PM the Public Comment was opened.

Melvin Enns just wanted to be sure letter sent was received.

Susan Wilford lives on 19th Avenue requested a four way stop at 18th and Klepper. City Engineer stated an addition of a stop sign must meet warrants.

Tom Zarate lives on Kamm. Clarification of alley loaded garages. Kruper explained that the alley loaded garages will be looked at before the homes actually start to go in.

Gary Nelson, owner of property Tract Map 6122 my map was drawn with larger lots as laid out in the NKSP. Lots to the north of me are much smaller. Would like to know the outcome for the second map (Crinklawn) before a decision is made on my map.

Close Public Comment – 6:56PM

Continued Commission Discussion

The Planning Commission discussed the two projects and gave a background for presenting the two projects together:

Both projects came in at the same time.

LAFCo will look at both projects as one when/if annexation is considered.

Gary Nelson seems hesitant to move forward with his project, he would have to make the decision to remove his project from the agenda.

The Crinklawn project mirrors the development to the south.

The lots per acre are essentially the same for the two projects.

Gary Nelson asked that his item TTM 6122 be postponed to the next meeting for discussion.

Commissioner Kruper made a motion, seconded by Commissioner Poyner to continue the public hearing for Tract 6122 to the next regular meeting on June 8th, 2017. The motion carried by unanimous vote of those Commissioners present.

(Crinklawn Project)

Planning Director Greg Collins stated that the conditions for the Crinklawn project are essentially the same, and a Negative Declaration was prepared.

Commission Discussion:

Need a pedestrian walkway through the project
Traffic generation and delays

Open for Public Comment 7:37PM

Hal Lore, stated that a 40 acre master plan for this area will be circulated.

Dave Crinklaw West Star Construction and owner, pointed out, of the last three maps these are the lowest density. All the lots are wider.

Close Public Comment 7:46PM

(Crinklaw Project only)

Commissioner Rountree made a motion, seconded by Commissioner Kinney to adopt Resolution 2017-11 adopting the negative declaration prepared for and approve the planned unit development PUD 2016-02 and approving the necessary findings consistent with chapter 17.76 of the KMC and subject to the conditions in the resolution. The motion carried by unanimous vote of those Commissioners present.

Decision on Tentative Subdivision Map

Commissioner Rountree made a motion, seconded by Commissioner Poyner to approve Resolution 2017-12 Adopting the negative declaration for vesting tentative subdivision map no. 6167, for 121 Single Family Lots, Community Park and Storm Drain Basin situated on 41.5 Acres subject to all conditions in the resolution. The motion carried by unanimous vote of those Commissioners present.

FUTURE ITEMS – None were discussed

ADJOURN – The Kingsburg Planning Commission meeting was adjourned at 8:00PM with the Commission Discussion on the Nelson project to be continued to the June 8th meeting.

Submitted by

Mary Colby
Planning Secretary



Meeting Date: 7/13/17
Agenda Item: 5

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: Greg Collins, Contract Planner

REVIEWED BY:

AGENDA ITEM: Ghuman (AKS Enterprises)

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☒ Motion ☐ Receive/File

EXECUTIVE SUMMARY

Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, is seeking approval of pre-zoning and a PUD (planned unit development) on properties located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres; the subject territory has the following APNs: 393-270-03, 13, 14 and 15.

The applicant is requesting

- 1) Pre-zoning from the Fresno county AE-20 zone district to Kingsburg R-1-7 zone district
- 2) Approval of a planned unit development (PUD) for single-family residential lots and an associated storm drainage basin. A vesting tentative subdivision map (Tract No. 5073) for 39 lots was approved by the Planning Commission in 2005. The vesting tentative subdivision map (Tract 5073) is valid until October 2017, because AB 1303 extended the term of the vesting tentative subdivision map to this date. (**Note:** Prior to the consideration of the aforementioned subdivision map, the applicant was responsible for requesting an "award allocation" from the Kingsburg City Council consistent with Chapter 16.09 Growth Management System of the Municipal Code. The planning commission and city council awarded the allocation of 39 single-family residential lots on the subject property.)

The applicant had originally requested annexation through LAFCO without going through the city initiation process (called developer initiated annexation). The developer allowed that annexation application to lapse and now has elected to process the annexation through the city (called city initiated annexation). When the applicant processed the vesting tentative subdivision map through the City an application for a planned unit development (PUD) was not processed, which is required under the North Kingsburg Specific Plan. Staff will process a PUD on the subject property similar to the process used for Nelson, Crinklaw and Erickson projects.

Staff has determined that the subject property is within the planning areas of the Kingsburg General Plan and the North Kingsburg Specific Plan (NKSP). The proposed project is consistent with the land use designations of each plan.

When the NKSP was prepared a Final Environmental Impact Report (FEIR) was certified for the Plan. The FEIR discussed the environmental impacts that would be associated with the build out of the NKSP.

In 2005, a negative declaration (ND) was approved by the Planning Commission and City Council for the "project" that included the annexation, pre-zoning, and the 39-lot vesting tentative subdivision map for the subject property. The ND did not include the proposed PUD (planned unit development), however,

the PUD and its associated conditions generally guides the design of the streetscape and home design which will not result in environmental impacts above and beyond what was posed by the annexation, rezoning and vesting tentative subdivision map for the subject site. Therefore, the previously approved ND adequately addressed the environmental impacts associated with the development of the subject property, including, without limitation, the conversion of open space to a residential urban use.

A negative declaration is a finding that the project will not have a significant impact on the environment above and beyond the environmental impacts discussed in the EIR prepared on the North Kingsburg Specific Plan. The Plan's EIR was certified by the Kingsburg City Council and a "Statement of Overriding Consideration" was included and filed with the certified EIR.

RECOMMENDED ACTION BY PLANNING COMMISSION

- A. Approve Resolution No. 2017 – recommending approval of the pre-zoning of 13 acres from the Fresno County AE-20 (exclusive agriculture, 20-acre minimum) zone district to Kingsburg R-1-7 (single family residential, one unit per 7,000 square feet) zone district.**
- B. Approve Resolution No. 2017 - approving Planned Unit Development 2016-04 subject to the following conditions.**
 - 1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.
 - 2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.
 - 3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
 - 4. The applicant shall seek to construct residential units with alley-loaded garages on lots within the subdivision that are appropriate for this type of home design. The city engineer and city planner shall review and approve the location and number of these types of lots within the subdivision.
 - 5. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg (“**City**”), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, “**City Parties**”) from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to PUD 16-04, Ghuman (“**PUD**”). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the PUD.

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6. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the PUD, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the PUD.
 7. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the PUD.
 8. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the PUD (collectively "**PUD Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the PUD Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
 9. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work.
 10. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
 11. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the

City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the PUD.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|---------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Yes</u> |
| 3. If Budgeted, Which Line? | <u>Varies</u> |

PRIOR ACTION/REVIEW

The subject territory is within the planning area of the Kingsburg General Plan, Land Use Element, and North Kingsburg Specific Plan. The proposed project is consistent with both of these planning documents.

The applicant had originally requested annexation of the subject territory through LAFCO without going through the city's initiation process (called developer initiated annexation). The developer allowed that annexation application to lapse and now has elected to process the annexation through the city (called city initiated annexation). Further, the developer received approval for vesting tentative Tract Map No. 5073 from the Kingsburg Planning Commission in 2005. The Tract Map is valid until October of 2017. When the applicant processed its vesting tentative tract map through the City an application for a planned unit development was not processed. A PUD is required for any residential development proposed for property within the North Kingsburg Specific Plan planning area.

BACKGROUND

The subject property is located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres; the subject territory has the following APNs: 393-270-03, 13, 14 and 15.

Detailed information on each planning application is as follows:

Pre-Zoning, AE-20 to R-1-7

In accordance with the policies of the Fresno County Local Agency Formation Commission (LAFCo), the City of Kingsburg is required to pre-zone property that is requested for annexation. The R-1-7 zone is proposed for the subject territory. This zone is consistent with the "residential single family" designation provided by the North Kingsburg Specific Plan.

Planned Unit Development 2016-04

All development occurring within the NKSP planning area is required to be processed as a planned unit development (PUD). A PUD shall be processed consistent with Chapter 17.76 of the Kingsburg Municipal Code, and is subject to a public hearing before the Planning Commission and notification of surrounding property owners. The PUD must also be reviewed and approved by the City Council. The purpose of a PUD is described in the Kingsburg Municipal Code, Section 17.76.010 as follows:

17.76.010 - Purposes. Planned unit developments (PUD's), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of this title. In certain instances, the objectives of the general plan and zoning title may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zone plan or the district regulations prescribed by this title. A planned unit development may include a combination of different dwelling types and/or a variety of land uses, which are made to complement each other and harmonize with existing and proposed land, uses in the vicinity, by design. In order to provide locations for such well-planned developments, the planning commission is empowered to grant use permits for planned unit developments, provided that such developments comply with the regulations prescribed in this article. The commission is also empowered to zone lands for PUD under the provisions of Chapter 17.48 of this title. The approval of a PUD that is not designated by the general plan is intended to be discretionary on the part of the city rather than an entitlement of a landowner.

Under the NKSP the subject properties are designated "Residential Single Family" and are contained within "Neighborhood B" of the Plan. Under the design guidelines of the NKSP, low-density residential development is required to achieve certain general design standards, some required and some permissive. Further, the Plan indicates that lots between 7,000 and over 10,000 square feet will account for the majority of North Kingsburg's residential product type, with 25 percent of the lots required to exceed 10,000 square feet within the NKSP planning area. Tract 5073 satisfies this requirement. An abbreviated list of the design guidelines for residential development within the NKSP planning area is provided below.

1. Create a streetscape that provides visual quality and variety.
2. Buildings shall be articulated, avoiding a monotonous style with garages dominating the streetscape. There should be a reasonable mix of single and two-story units.
3. For corner lots, the building materials on the front facade should wrap to a logical termination point on the street side yard elevation.
4. At least half of the houses shall have significant single-story elements on the front elevations. Porches and covered entries should be incorporated as part of the architecture.
5. Mechanical equipment is not permitted on the roof.
6. Garages and driveways should not be the primary feature of a house. The residential project should utilize a variety of garage plans. Front-facing three-car garages are discouraged.
7. For corner lots, the garage and driveway are to be placed along the interior side yard, at the rear of the street side yard or with access from the alley. The alternative of providing a side street garage provides the most benefits.
8. A minimum of one-third of the houses in a given block shall have porches. Porches must extend along a minimum of 50 percent of the facade, with a minimum depth of five feet.
9. As with roofs, windows and doors shall vary because of the various elevation styles required among house plans.

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10. Within a given architectural style, the exterior shall receive a consistent use of materials and colors on all sides.
 11. Mechanical equipment shall be located in the rear yard when the side yard setback is less than seven feet.

The NKSP provides a number of illustrations for proposed typical lot design and building placements. They are not intended to be exhaustive, however, other building placements may be acceptable, subject to the review and approval by the Planning Commission. The Plan recognizes that in order to embrace innovation in design, "conventional" design used in Kingsburg in the past may not be the appropriate design philosophy going forward. Some of these innovations are described below.

- Require access from 16-foot alleys along arterial streets as an alternative to back-on design;
- Eliminate alleys in favor of landscaped pedestrian corridors that are aligned separately from streets;
- Reduce single-family lot size as an incentive to providing amenities such as neighborhood entries, waterways and open space corridors not currently available in subdivisions; and
- Allow an intermingling of various lot sizes to appeal to the full range of age groups being attracted to Kingsburg.

Elevation drawings have not been submitted for residential units within the approved subdivision. Because the subdivision was approved without corresponding elevation drawings for homes within Tract No. 5073 it will become the responsibility of the city planner to review the design of the residential units at the building permit stage.

Environmental Review:

The "project" originally encompassed three planning applications - annexation, pre-zoning and tentative subdivision map. A negative declaration (ND) was prepared for the project. The ND was filed with the County of Fresno. The ND made the finding that water; traffic, air quality and loss of agricultural land could pose significant impacts; however, these impacts were thoroughly discussed in the EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. The Kingsburg City Council certified both EIRs and a "Statement of Overriding Consideration" was recorded with the Final EIRs. The Planning Commission approved the ND for the Tract Map 5073 in 2005 and staff has concluded that even though the ND did not address the proposed PUD, the PUD and its associated conditions generally guides the design of streetscapes and home design which will not result in environmental impacts above and beyond what was posed by the annexation, rezoning and Tract 5073. The ND adequately addressed the environmental impacts associated with the development of the subject property, including without limitation, the conversion of open space to residential urban use.

ATTACHMENTS:

1. Resolution No. 2017-__ amending the Kingsburg Zoning Ordinance
2. Resolution No. 2017-__ approving Planned Unit Development 2016-04
3. Resolution No. 2005-53 Approving Tract 5073
4. Tract 5073

RESOLUTION NO. 2017 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
KINGSBURG RECOMMENDING TO THE KINGSBURG CITY COUNCIL OF A
PREZONE OF 13 ACRES LOCATED ON THE NORTH SIDE OF KAMM AVENUE
BETWEEN SOUTH ACADEMY AND MENDOCINO AVENUES IN THE CITY OF
KINGSBURG, GHUMAN PROJECT**

WHEREAS, Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA. 93247, is requesting a prezone of properties located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres currently located in the County of Fresno but proposed for annexation into the City of Kingsburg; and

WHEREAS, Piara Ghuman requesting a rezoning for approximately 13 acres of land currently located in the county of Fresno but proposed for annexation into the City of Kingsburg, and

WHEREAS, as part of this annexation request ("Kamm-Academy Northwest No. 1 Reorganization"), the applicants are requesting a reclassification of the subject properties from Fresno County AE-20 (exclusive agriculture, 20-acre minimum) district to Kingsburg R-1-7 (single family residential, one unit per 7,000 square feet), and

WHEREAS, the subject property is surrounded on two sides by land that is inside the city limits of Kingsburg, and

WHEREAS, property owners within 300 feet of the subject properties were notified in writing of the Planning Commission meeting and a public hearing notice was published in the Kingsburg Recorder at least ten (10) days prior to the Planning Commission's meeting of July 13, 2017, and

WHEREAS, the Planning Department has prepared a staff report for the proposed prezone, and

WHEREAS, the Planning Commission held a public hearing on the prezone, reviewed the staff report and accepted public testimony both for and against the prezone.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission, after considering all the evidence presented, made the following findings in evaluating this prezone request:

1. The subject territory is inside Kingsburg's sphere of influence (SOI) and within the planning area of the North Kingsburg Specific Plan.

2. The proposed rezoning to the R-1-7 district is consistent with the land use designations of the Kingsburg Land Use Element and the North Kingsburg Specific Plan.

3. A Negative Declaration was prepared in 2005 for an identical prezone request indicating that any impacts associated with this "project" will not have a significant impact on the environment.

4. The project will not have an adverse impact on the public's health, safety or welfare.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends to the Kingsburg City Council the prezone of 13 acres located north of the City of Kingsburg as shown on Exhibit "A" attached to this resolution and incorporated herein by this reference.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission on the 13th day of July, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary E. Colby
Planning Commission Secretary, City of Kingsburg



PUD-2016-04
PRE-ZONE 2017-01
TRACT 5073

EXHIBIT A

ACADEMY AVE

Kamm Av

Silverbrooke St

14th Av

14th Av

15th Av

16th Av

Azalea St

15th Ct

16th Ct

Hemma St



RESOLUTION NO. 2017 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG
APPROVING PLANNED UNIT DEVELOPMENT 2016-04 (GHUMAN) FOR A SINGLE
FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE USES**

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on July 13, 2017, the application of Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, for a Planned Unit Development (PUD) to allow 39 single-family residential lots and associated open space uses on 13 acres located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, and

WHEREAS, the Assessor's Parcel Numbers (APNs) for the subject properties are APN 393-270-03 (42,432 square feet), 393-270-13 (3.57 acres), 393-270-14 (2.97 acres) and 393-270-15 (4.94 acres), and

WHEREAS on July 13, 2017, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the approval of Planned Unit Development 16-04 ; and

WHEREAS, property owners within 300 feet of the subject territory were notified in writing of the Planning Commission meeting and a public hearing notice was published in the Kingsburg Recorder at least ten (10) days prior to the Planning Commission's meeting of July 13, 2017, and

WHEREAS, The Kingsburg Planning Commission finds that PUD 16-04 subject to conditions, is in accordance with and satisfies the requirements of Chapter 17.68 of the Municipal Code of the City of Kingsburg and is consistent with the procedures and design guidelines of the North Kingsburg Specific Plan; and

WHEREAS, the Planning Commission also finds that the conditions for PUD 16-04 will protect and preserve the public health, safety and welfare in the surrounding neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project will not have an adverse impact on the environment and a Negative Declaration was approved in 2005 by the Planning Commission consistent with the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission makes the following findings as required by Section 17.68.070 of the Kingsburg Municipal Code:

A. That there are circumstances or conditions applicable to the land, structure or use which makes the approval of a planned unit development (PUD) necessary for the preservation and enjoyment of a private property right. The residential dwellings and their associated open space, landscaping and streetscape features will be constructed consistent with the design guidelines of the North Kingsburg Specific Plan.

B. That the proposed location of the PUD is in accordance with the purpose and intent of the North Kingsburg Specific Plan, which encourages residential development that embraces innovation in design.

C. That the proposed PUD will comply with each of the applicable provisions of the Kingsburg Municipal Code.

D. That a Negative Declaration ("ND") was prepared in 2005 and the Planning Commission finds that even though the ND did not address the proposed PUD, the PUD and its associated conditions generally guides the design of streetscapes and home design which will not result in environmental impacts above and beyond what was posed by the annexation, rezoning and Tract 5073. The ND

adequately addressed the environmental impacts associated with the development of the subject property, including without limitation, the conversion of open space to residential urban use.

NOW THEREFORE BE IT FURTHER RESOLVED that the Kingsburg Planning Commission approves Planned Unit Development 16-04, Ghuman, subject to the following conditions:

1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.
2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.
3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
4. The applicant shall seek to construct residential units with alley-loaded garages on lots within the subdivision that are appropriate for this type of home design. The city engineer and city planner shall review and approve the location and number of these types of lots within the subdivision.
5. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("City"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "**City Parties**") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to PUD 16-04, Ghuman ("**PUD**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the PUD.
6. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the PUD, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the PUD.
7. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a

material breach of the conditions of approval for the PUD.

8. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the PUD (collectively “**PUD Work**”). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the PUD Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

9. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work.

10. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

11. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the PUD.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 13th day of July, 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary City of Kingsburg

RESOLUTION NO. 2005-53

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG
APPROVING VESTING TENTATIVE TRACT MAP 5073
CONSISTING OF 39 LOTS ON APPROXIMATELY
13 ACRES ON THE NORTH SIDE OF KAMM AVENUE
WEST OF 14th AVENUE AND THE GATEWAY SUBDIVISION**

WHEREAS, the Kingsburg Planning Commission did hold a duly-noticed public hearing on October 13, 2005, on Tentative Tract Map 5073, a residential subdivision consisting of 39 lots on approximately 13 acres on the north side of Kamm Avenue west of 14th Avenue and the Gateway Subdivision; and

WHEREAS, this property is designated in the General Plan as LD (Low Density Residential) and, upon annexation, would be pre-zoned R-1-7, which permits single-family residential lots of at least 7,000 square feet in area, consistent with the subdivision proposal; and

WHEREAS, the Kingsburg Planning Commission recommended approval of Tentative Tract Map 5073 proposed by Piara Ghuman (AKS Enterprises), subject to certain conditions; and

WHEREAS, the Kingsburg City Council has considered this proposal and **HEREBY RESOLVES AS FOLLOWS:**

The City Council of the City of Kingsburg approves Tentative Tract Map 5073 proposed by Piara Ghuman (AKS Enterprises), subject to: successful annexation into the City and the Selma-Kingsburg-Fowler County Sanitation District; pre-zoning to the R-1-7 zone district; and the following conditions:

General:

1. That all conditions of the applicant be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. That the applicant enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
3. That the applicant pay all fees as required by existing ordinances and schedules. The fees to be paid shall be those in effect at the time of payment.
4. That all water wells and septic systems that served the agricultural property be abandoned pursuant to City, County, and State standards.
5. That in conformance with the City's Growth Management System ordinance, a maximum of 25 allocations be granted for this priority project each calendar year until the project's completion; and that the number of allocations to be granted per year be specified in the Subdivision Agreement.

Utilities:

17. All existing overhead utilities adjacent to the subdivision shall be undergrounded.
18. That the developer provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
19. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

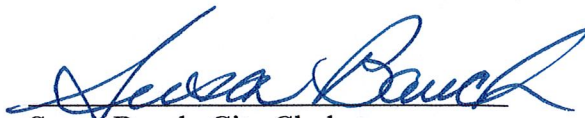
Irrigation:

20. That any irrigation pipelines maintained by CID be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
21. That all abandoned irrigation lines serving the property be removed.

* * * * *

I, Susan Bauch, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 21st day of December, 2005, by the following vote:

Ayes:	Councilmembers:	Blayney, Kruper, Karstetter, Smith, and Mayor Bergstrom
Noes:	Councilmembers:	None
Absent:	Councilmembers:	None
Abstain:	Councilmembers:	None


Susan Bauch, City Clerk
City of Kingsburg

NOTES

- ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF KINGSBURG AND SHALL INCLUDE: SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALK, PERMANENT STREET PAVEMENT.
- THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OF NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVES NON-RENEWABLE ENERGY RESOURCE.
- ALL STREET ADJACENT TO THE BOUNDARIES OF THIS SUBDIVISION HAVE BEEN PREVIOUSLY DEDICATED OR WILL BE DEDICATED FOR PUBLIC STREET OR ALLEY PURPOSES.
- THE MAJORITY OF THE PROPERTY IS CURRENTLY UNIMPROVED.
- NO WATER COURSES RUN THROUGH THE PROPERTY.
- PROJECT AREA IS NOT IN A FLOOD PRONE AREA PER FIRM MAP PANEL No. 2675, DATED FEB. 18, 2009.
- NO CUTS OR FILLS OVER 2 FEET ARE ANTICIPATED.
- THERE ARE SEVERAL ORNAMENTAL TREES ON-SITE THAT WILL BE REMOVED.
- THE SUBJECT SITE IS CURRENTLY VACANT/RESIDENTIAL.
- WATER TO BE PROVIDED BY THE CITY OF KINGSBURG.
- SEWER DISPOSAL TO BE PROVIDED BY S.K.F. SANITATION.
- FOUR STRUCTURES TO BE REMOVED.

LEGEND

- P.U.E. PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
- INDICATES STREETS PREVIOUSLY DEDICATED FOR STREET PURPOSES FOR PUBLIC USE
- INDICATES AREA NOW DEDICATED FOR STREET PURPOSES

PHASES

- PHASE I (9 LOTS)
AREA = 145,275 SF OR 3.34 AC
- PHASE II (14 LOTS)
AREA = 220,359 SF OR 5.06 AC
- PHASE III (16 LOTS)
AREA = 197,232 SF OR 4.53 AC

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION

PROPOSED USE
MEDIUM LOW DENSITY RESIDENTIAL

SOURCE OF WATER
CITY OF KINGSBURG

SOURCE OF SEWER DISPOSAL
S.K.F. SANITATION DISTRICT

SOURCE OF ELECTRICITY
P.G. & E.

SOURCE OF GAS
SOUTHERN CALIFORNIA GAS

SOURCE OF CABLE TV
COMCAST

SOURCE OF TELEPHONE
SBC COMMUNICATIONS

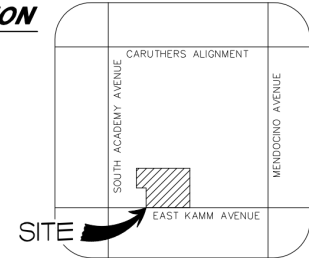
ASSESSOR'S PARCEL MAP
393-270-03, 13, 14 & 15

SITE AREA
12.93 AC (GROSS) 12.06 AC (NET)

NUMBER OF LOTS
39

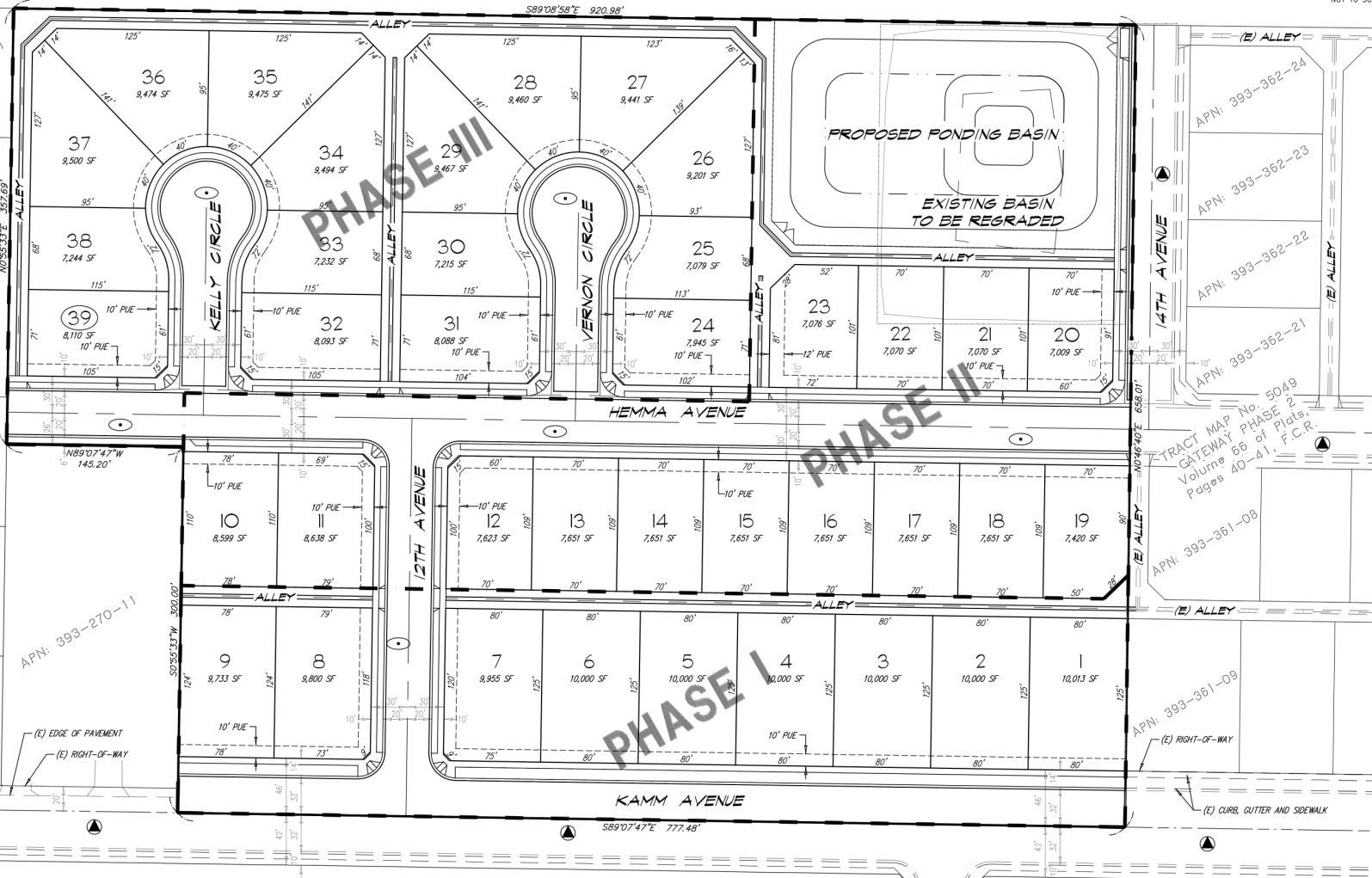
DENSITY
3.23 UNITS PER NET ACRE

MINIMUM LOT SIZE
7,009 SF



LOCATION MAP
NOT TO SCALE

APN: 393-270-12



TRACT MAP No. 4659 GOLDCREEK ESTATE
Book 59 of Plats,
Pages 29-30, F.C.R.

VESTING TENTATIVE TRACT MAP NO. 5073

BEING A PORTION OF SECTION 14,
TOWNSHIP 16 SOUTH, RANGE 22 EAST,
MOUNT Diablo BASE & MERIDIAN

SITE LOCATION
15220, 15264, 15284, 15148 & 15106 E. KAMM AVE
ASSESSOR'S PARCEL MAP NO. 393-270-03, 13, 14 & 15

AKS ENTERPRISES, INC
18475 E. MAGNOLIA AVENUE
KINGSBURG, CA 93631

DALE G. MELL
& ASSOCIATES
ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, PLEASANTON, CALIFORNIA 94566
(925) 255-1400 FAX: (925) 255-1401 WWW.DGMSURVEYING.COM

PROFESSIONAL LAND SURVEYOR
DALE G. MELL
No. 4823
STATE OF CALIFORNIA

JOB # 15-091
DRAWN BY: LOR
CHECKED BY: DGM
SCALE: 1" = 60'
DATE: 02/16/17
DWG # 15-091TN
FIELD BOOK: 353
DATE OF SURVEY: 11/17/15
(LAST REVISION)

SHEET 1 OF 1